

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA and
STATE OF WISCONSIN,

Plaintiffs,

ROSE PRESSER,

Relator,

v.

ACACIA MENTAL HEALTH CLINIC LLC
and ABE FREUND,

Defendants.

Case No. 13-CV-71-JPS

ORDER

On October 24, 2016, the Court of Appeals issued its mandate and opinion in this matter, remanding the action to this Court for further proceedings. (Docket #51). On December 2, 2016, the relator filed an expedited motion to file a second amended complaint. (Docket #55). The defendants submitted a response in opposition on December 9, 2016. (Docket #57). The motion will be granted. The Court of Appeals instructed that although various claims were subject to dismissal, the Court should revisit the issue of amendment. (Docket #51 at 22). Pursuant to Federal Rule of Civil Procedure 15(a)(2)'s command, the Court freely grants the relator leave to amend. The Court notes that it appears that the lengthy delay on appeal was occasioned in part by both parties engaging in settlement discussions, so the prejudice resulting from that delay cannot be laid entirely at the relator's feet.

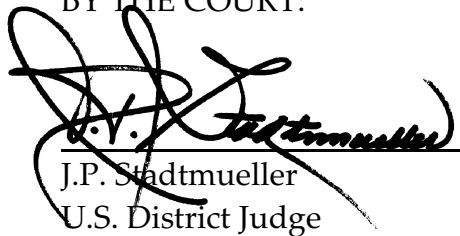
Accordingly,

IT IS ORDERED that the relator's motion for leave to file a second amended complaint (Docket #55) be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the relator's second amended complaint (Docket #55-1) shall henceforth be the operative complaint in this matter.

Dated at Milwaukee, Wisconsin, this 14th day of December, 2016.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge